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APPLICATION NO.	FILIN	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,301 01/30/2002		30/2002	Kaoru Katoh	053466-0321 7349	
22428	7590	03/30/2004		EXAM	INER
FOLEY AN	D LARDN	IER	BAHTA, ABRAHAM		
SUITE 500 3000 K STRE	EET NW		ART UNIT	PAPER NUMBER	
WASHINGT		.0007	1775		

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of there may be a realizable under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filled because of the may be a realizable under the provisions of 37 CPR 1.136(a). In no event, however, may a reply be timely filled because the maximum statistic precise of the provision of the reply septembed above, the maximum statistic precise of statistic provision of the reply supplied above, the maximum statistic precise of supplied with the statistic provision of the provision of the provision of the statistic provision of the provision of the statistic provision of the statistic provision of the statistic provision of the provision of	;	Application No.	Applicant(s)					
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DETAILED ACTION

Applicant's election of Group I (claims 1-4) in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaneko et al (USP 5,218,757).

Kaneko teaches a thin carbon rod or microelectrode (col. 5, line 39-45) comprising crystalline carbon (col. 5, lines 23-30) and a glass-like matter produced by carbonizing an organic material. See col. 6, lines 27-31. In addition, the reference teaches the composite carbon material may have an oriented system such that end surfaces of highly developed graphite crystals are arranged to be perpendicular to the electrode surface. See col. 6, lines 32-36. The thin carbon rod or microelecrode may be used to prick a living body and examine food for electrochemical detection. See col. 2, line 63 through col. 3, line 7. Kaneko also teaches the tapered carbon microelectrode may be used for detecting dopamine (a kind of catecholamines which are

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neourotrasmitters secreted from nerve cells) in the presence of Vitamin C. See col. 9, lines 20-28.

Regarding claim 4, the reference teaches in the tapered carbon microelectrode, the diameter of the thick end portion of the tapered carbon thin rod may be 5mm-0.lmm and that of the thin end portion may be 0.1 mm or less and according to PROKON-METRIC CONVERSION 0.1mm is 100 micrometer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko '757.

As discussed above, Kaneko teaches applicant's claimed invention except the amount of the crystalline carbon as recited in claim 3; however, it would have been obvious to one of ordinary skill in the art to select an appropriate amount of the crystalline powder. Motivation for such modification is provided at col. 6, lines 45-57 of Kaneko which teaches the amount of the crystalline carbon to be compounded varies depending on the type of the organic binder which produces the glass-like matter and the diameter of the electrode desired and the ultimate use of the product.

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Response to Applicant's remarks/arguments

With respect to the rejection of claims 1-2 and 4 under 102 (b), the applicant argues Kaneko '757 does not disclose or suggest a carbon microrod that has a cell adsorbed to the microrod. The Examiner disagrees. Kaneko teaches the tapered carbon microelectrode may be used for detecting dopamine (a kind of catecholamines which are neurotransmitters secreted from nerve cells) in the presence of vitamin C. See col. 9, lines 20-28.

Regarding the rejection of claim 3 under 103(a), the applicant argues Kaneko would not have rendered obvious the limitation of claim 3 because Kaneko does not teach or suggest a carbon microrod that has a cell adsorbed to it. The Examiner contends, as discussed above, Kaneko teaches applicant's claimed invention except the amount of the crystalline carbon as recited in claim 3; however, the skilled artisan would find it obvious to vary the amount because Kaneko teaches the amount of the crystalline carbon to be compounded varies depending on the type of organic binder which produces the glass-like matter and the diameter of the electrode desired and the ultimate use of the product. See col. 6, lines 45-57.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Abraham Bahta whose telephone number is (571) 272-1532. The Examiner can normally be reached Monday-Friday from 11:30 AM -8:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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